

Subject: Herb's Letter & Depo Dates

From: "Michael W. Sewright" <mws@bpk.com>

Date: Tue, 28 Feb 2006 17:04:15 -0900

To: Herbert Viergutz <barmar@gci.net>, Tom Krider <Krider@OLES.com>, Steve Shamburek <shamburek@gci.net>, Pat Stoll <cps@hvslaw.com>, Paul Stockler <paulstockler@aol.com>

To all:

This is in response to Mr. Viergutz's letter dated today and taglined as sent at 5:18 pm but actually sent an hour earlier like his other telefaxed correspondence during the past month. Like with Herb's other faxes, you probably haven't received a copy Steve because, if I understand correctly, the number he is using for you is no longer operable.

In his letter, Herb states he would much prefer to conduct the depositions I have scheduled for March 9 on March 8 instead because a court hearing has been set he must attend on March 9. Herb, if all counsel and the witnesses agree within the next day in writing (emails will do) to taking those depositions I have set for the 9th on the 8th instead and further agree I do not have to send out new depo notices or subpoenas to secure the attendance of the witnesses on March 8, including Mr. Poynor, then it is okay with me that we do them on March 8. Until that happens they will stay noticed for March 9. I was relying on your and other counsels' previous representations that the week of March 6 would be left open for depositions in this case, and you did not notify otherwise until just now.

- M. Sewright

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Exhibit 2
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